

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NORRIS LEE,
Plaintiff,
v.
C/O HOUGH, et al.,
Defendants.

) CASE NO. 1:02-cv-05037-LJO-GSA PC
)
) ORDER FINDING SERVICE OF SECOND
) AMENDED COMPLAINT APPROPRIATE, AND
) FORWARDING SERVICE DOCUMENTS TO
) PLAINTIFF FOR COMPLETION AND RETURN
) WITHIN THIRTY DAYS
)
(Doc. 36)
)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The court screened Plaintiff's March 23, 2010, second amended complaint pursuant to 28 U.S.C. § 1915A, and found that it states cognizable claims against Defendants Hough, Garica and White for failure to protect Plaintiff in violation of the Eighth Amendment.¹ Fed. R. Civ. P. 8(a); Erickson v. Pardus, 551 U.S. 89, 92 (2007); Alvarez v. Hill, 518 F.3d 1152, 1157-58 (9th Cir. 2008). Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

C/O HOUGH

¹ In an order entered on August 26, 2010, the District Court adopted the June 29, 2010, findings and recommendations dismissing Plaintiff's supervisory claims and failure to train claims. Defendants Alameda, Adams, Duncan, March, Johnson, Abbatি-Harlow, Akin and Ramirez were dismissed. This action proceeds on the March 23, 2010, second amended complaint against Defendants Hough, Garcia and White for failure to protect Plaintiff in violation of the Eighth Amendment.

1 C/O GARCIA

2 C/O M. WHITE

3 2. The Clerk of the Court shall send Plaintiff three (3) USM-285 forms, three (3)
4 summonses, a Notice of Submission of Documents form, an instruction sheet and a
5 copy of the second amended complaint filed March 23, 2010.

6 3. Within **thirty (30) days** from the date of this order, Plaintiff shall complete the
7 attached Notice of Submission of Documents and submit the completed Notice to the
8 Court with the following documents:

9 a. Completed summons;

10 b. One completed USM-285 form for each defendant listed above; and

11 c. Four (4) copies of the endorsed second complaint filed March 23, 2010.

12 4. Plaintiff need not attempt service on Defendants and need not request waiver of
13 service. Upon receipt of the above-described documents, the Court will direct the
14 United States Marshal to serve the above-named defendants pursuant to Federal Rule
15 of Civil Procedure 4 without payment of costs.

16 5. The failure to comply with this order will result in a recommendation that this action
17 be dismissed.

18
19 IT IS SO ORDERED.

20 Dated: September 7, 2010

21 /s/ Gary S. Austin
22 UNITED STATES MAGISTRATE JUDGE